

 सत्यमेव जयते	राजस्थान राजपत्र विशेषांक	RAJASTHAN GAZETTE Extraordinary
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भाग 5 (घ)

भारत के निर्वाचन आयोग की विज्ञप्तियां आदि।

(निर्वाचन विभाग)

अधिसूचना

जयपुर, अक्टूबर 21, 2021

संख्या एफ.4(1)(4)प्रथम-बी/निर्वा./2014/5563 :- भारत निर्वाचन आयोग, नई दिल्ली की अधिसूचना संख्या 82/राजस्थान-वि0स0/(3/2014)/2021 दिनांक 29 सितम्बर, 2021 मय माननीय राजस्थान उच्च न्यायालय, (जयपुर बैंच) के निर्णय दिनांक 26 अगस्त, 2021 जिसमें (192) रामगंज मण्डी, कोटा विधानसभा निर्वाचन क्षेत्र की निर्वाचन अर्जी संख्या 3/2014 का निर्णय समाविष्ट है, को सर्वसाधारण के सूचनार्थ प्रकाशित किया जाता है।

प्रवीण गुप्ता,
प्रमुख शासन सचिव।

भारत निर्वाचन आयोग
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

तारीख :- 29 सितम्बर, 2021
7 आश्विन, 1943 (शक)

अधिसूचना

सं0 82/राजस्थान-वि0स0/(3/2014)/2021 : लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में भारत निर्वाचन आयोग, निर्वाचन अर्जी संख्या 3/2014-श्री बाबूलाल मेघवाल बनाम राजस्थान राज्य व अन्य में राजस्थान उच्च न्यायालय (जयपुर बैंच) के तारीख 26 अगस्त, 2021 के निर्णय को एतद्वारा प्रकाशित करता है।

आदेश से,

राहुल शर्मा,
प्रधान सचिव
भारत निर्वाचन आयोग।

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi - 110 001.

Dated:- 29th September, 2021
7 Asvina, 1943 (Saka)

NOTIFICATION

No. 82/RJ-LA/(3/2014)/2021:- In pursuance of Section 106 of the Representation of People Act, 1951 (43 of 1951) the Election Commission of India hereby publishes judgment

dated 26.08.2021 of the High Court of Rajasthan (Jaipur Bench) in S.B. Election Petition No. 3 of 2014- Sh. Babu Lal Meghwal Vs. Rajasthan State and ors.

By order,

**RAHUL SHARMA
PRINCIPAL SECRETARY
ELECTION COMMISSION OF INDIA**

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Election Petition No. 3/2014

Babu Lal Meghwal S/o Late Bheru Lal, aged about 42 years, resident of Khedli Phatak, Station Road Kota (Rajasthan)

----Petitioner

Versus

1. Election Commissioner of India, through Chief Election Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi.
2. The Chief Electoral Officer Rajasthan, Secretariat, Jaipur, Rajasthan.
3. The District Election Officer (District Collector) Kota (Rajasthan)
4. The Returning Officer (S.D.M.) Ramganj Mandi Kota (Rajasthan)
5. Gurudas Kamat, Secretary General, Indian National Congress, 24 Akbar Road, New Delhi 110011.
6. Dr.Chandraban, State President, Indian National Congress Committee, State Officer Rajasthan, Indira Gandhi Bhavan, Station Road, Jaipur
7. Babu Lal S/o Nand Lal, 118 Kha, Rishabh Colony, Ramganj Mandi, Kota (Rajasthan)
8. Chandra Kanta Meghwal (Winning Candidate from B.J.P.) Ramganj Mandi Kota (Rajasthan)

----Respondent

For Petitioner(s)	:	Mr.Kaleem Ahmed Khan, Adv.
For Respondent(s)	:	Mr.S.S.Raghav, AAG
		Dr.V.B.Shama, AAG
		Mr.B.C.Chirania, Adv.
		Mr.Girish Bhabhra, Adv. for Mr.Ashok
		Mishra, Adv. for respondent No.6
		Mr.Avesh Mourya, Adv. &
		Mr.Mehul Kapoor, Adv. for
		Mr.H.C.Mourya, Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR**Judgment****26/08/2021**

This Election Petition has been filed by the petitioner under Section 80, 80A(1), (2) & (3) and 81 of the Representation of the People's Act, 1951 (for short 'the Act of 1951').

The grievance of the petitioner is in respect of declaration of result of Assembly Elections 2013 for Ramganj Mandi Constituency No.192.

The petition has been filed primarily on the ground that the petitioner was a member of Congress Party since last 15 years and it was decided by the Central Body of party that he will be the contesting candidate for Assembly Election 2013 in Rajasthan for the Ramganj Mandi Constituency reserved for SC Category and as such the petitioner is said to be authorized by General Secretary of the Congress Party to contest the election as a Congress candidate.

The petitioner has levelled allegation that after receiving due information from the party Headquarter, he had filed his nomination form for contesting the election under the banner of Indian National Congress and as such he submitted his nomination form before the Returning Officer, Ramganj Mandi.

Learned counsel for the petitioner submitted that nomination of the petitioner was to be taken up for scrutiny by the Returning Officer and as such, the authorization form, which was to be submitted before the Returning Officer, was also to be considered in a proper manner by the Returning Officer.

Learned counsel submitted that the petitioner, later on came to know that his nomination form has been rejected on account of not having proper authorization from Indian National Congress and as such the petitioner has a grievance that the other candidate – the respondent No.7 - Babu Lal has been permitted to contest the election under the banner of Indian National Congress.

Learned counsel for the petitioner submitted that the present petition has raised following two grounds in the Election Petition:-

(a) The Act of the respondent No.3 i.e. District Collector, Kota was not in accordance with law as envisaged in Section 36 of the Act of 1951 with regard to the scrutiny of nominations.

(b) There is a violation of Section 100 sub-section (1) sub- clause d(i) by improper acceptance of nomination form.

This Court asked learned counsel for the petitioner as whether this Election Petition still requires adjudication, in view of subsequent assembly elections held in the year 2018.

Learned counsel Mr.Kaleem Ahmed Khan appearing on behalf of the petitioner submitted that this Election Petition is required to be decided by this Court on merits and the petition has not become infructuous.

Learned counsel for the petitioner has placed reliance on a judgment of the Apex Court in the case of *Sheodan Vs. Mohan Lal Gautam* reported in *1969 Law Suit (SC) 20*.

Learned counsel for the petitioner, on the strength of the said judgment, submitted that even if the term of assembly is over or any assembly is dissolved then the proceedings in the Election Petition cannot be rendered infructuous and the Court is required to decide the Election Petition on the merits of the case.

I have gone through the judgment of the Apex Court produced by learned counsel for the petitioner and find that the Apex Court has clearly laid down the law that the Election Petition does not abate only on the ground that Returning Officer resigned or the Assembly was dissolved. The Apex Court has further held that if there is an allegation of corrupt practice as one of the grounds for challenging the election of the returned candidate, then the matter still requires to be decided on merits.

This Court finds that in the present Election Petition, the grounds on which the Election Petition is filed, is relating to improper rejection of his nomination form and there is no allegation of corrupt practice against the returned candidate.

This Court further finds that term of the Assembly Election, in which the petitioner intended to contest, has come to an end in the year 2018 and further elections have been held for the another term starting from 2018 for a further period of five years.

Learned counsel for the petitioner submitted that at least the issue involved in the Election Petition is of academic nature and this Court is required to adjudicate this important issue.

I am afraid to accept the submission of learned counsel for the petitioner.

This Court finds that if the ground of challenge in the Election Petition is only with regard to improper rejection of nomination, no such occasion arises for this Court to adjudicate on this issue.

Accordingly the Election Petition stands dismissed.

(Ashok Kumar Gaur),J

Monika/64

By order,

**RAHUL SHARMA
PRINCIPAL SECRETARY
ELECTION COMMISSION OF INDIA**

राज्य केन्द्रीय मुद्रणालय, जयपुर ।